

1 STATE OF NORTH CAROLINA

2 COUNTY OF CABARRUS

IN THE GENERAL COURT OF JUSTICE

3 SUPERIOR COURT DIVISION

4 STATE OF NORTH CAROLINA }

DOCKET NUMBERS 76CR5708,

5 VS.

AND 76CR5709 CONSOLIDATED

6 RONNIE WALLACE LONG,

7 DEFENDANT }

8
9 VOLUME II

10 APPEARANCES:

11 FOR THE STATE:

James E. Roberts, District Atty.

12 Ronald Bowers, Asst. District Atty.

13
14 FOR THE DEFENDANT:

Carl Atkins, Esquire

15 James Fuller, Esquire

16 Evoyne Mims, Esquire

17
18
19
20 THIS CAUSE coming on to be heard and then heard
21 at the September 27, 1976, Criminal Session of the
22 Superior Court for Cabarrus County, before His Honor
23 William Z. Woods, Judge Presiding, and the Jury being
24 first duly sworn and empanelled, the following pro-
25 ceedings were had to wit:

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1 PRE-TRIAL MOTION TO SUPPRESS EVIDENCE.

2 MR. ATKINS: We would move at this time to conduct a
3 VOIR DIRE on identification of prosecuting witness
4 of the defendant, and also move to suppress certain
5 photographs which were shown to the prosecuting
6 witness including a picture of the defendant.
7

8 JURY OUT:

9 DIRECT EXAMINATION BY RONALD J. BOWERS:

10 MRS. GRAY BOST, BEING FIRST DULY SWORN, TESTIFIED AS
11 FOLLOWS:
12

13 Q State your name and address, please ma'am.

14 A Mrs. Ray Bost, 158 Union Street, South.

15 Q Mrs. Bost, did you live at that same address on the
16 25th of April of 1976?

17 A Yes.

18 Q What day of the week was that, ma'am?

19 A On a Sunday.

20 Q What did you do that day.

21 A Well, I went to church and I came home, and then I
22 went to the post office about 1:30, and then I came home
23 to wait on some visitors, my nephew was coming to visit
24 me and they came, I don't know what time, maybe three or
25

1 'round about that time and they left about five or five-
2 thirty. I went to the hall with them and came back in
3 the house and started getting my clothes ready to take a
4 trip the next day.

5 Q Where were you going the next day?

6 A To the beach.

7 Q And would you describe the residence in which you
8 live as to the description of the house?

9 A Well, I have a bedroom on the back of the house, and
10 a bathroom beyond that, and I have a den next to the bed-
11 room, and I have a long hall between...all the way....
12 well, all the way through the house, and the kitchen is
13 on the right hand side on the back of the house.

14 Q On which side of the hall is the bedroom? The bed-
15 rooms?

16 A On the left.

17 Q And were those rooms directly across from each other?

18 A Yes, they join.

19 Q Where is the den that you described?

20 A It's the second room.....it's the first room in the
21 hall area, on the left.

22 Q Does it adjoin your bedroom?

23 A Yes.

24 Q Is there a door between the bedroom and the den?

25 A Yes.

1 Q In other words, you can go from your bedroom to the
2 den without going into the hall?

3 A Right.

4 Q Is your house a one story house or a two story house?

5 A Two story house.

6 Q Where is the stairway to the second floor?

7 A In the front part of the house.

8 Q And when you came in and packed for the beach, was
9 your house locked then?

10 A Yes.

11 Q Describe how you locked your house.

12 A Well, I kept the front part of the house locked all
13 the time. The back part of the house has two doors. I
14 have a door onto the back porch and one into the yard,
15 and I have one lock on the door going into the back porch
16 and two locks on the back door going into the yard.

17 Q So, the back is the porch that is closed in. Is that
18 correct?

19 A Right.

20 Q Did you have the screen door to that locked?

21 A Yes.

22 Q And then there's another door into the main portion
23 of the house?

24 A Yes.

25 Q And you had that locked?

1 A Yes.

2 Q What did you do that evening?

3 A Well, I was trying to get food ready to take to the
4 beach and I had telephone calls to make to my friends,
5 the two girls that were going to ride with me, and I
6 started trying to get in touch with them. I think it was
7 about 6:30, and I kept calling and I couldn't get an
8 answer to either house, and so I would go to the kitchen
9 and try to fix some food to take to the beach. Then I
10 went into the den where I have a closet that I keep
11 closed, and I picked up clothes from there, and I went
12 into the bedroom and I got clothes out of that closet,
13 and I again tried to get my friends on the phone, and I
14 turned the television on and I sat there and watched
15 television a little bit until I could think of something
16 else that I had to do.

17 Q In what room were you?

18 A The den.

19 Q Go ahead.

20 A And then I read the....got the Sunday paper and
21 looked at the TV guide.

22 Q In what room were you in?

23 A The den.

24 Q Go ahead.

25 A I went back to the telephone to telephone, and I

1 finally got one friend and I talked.....who was not
2 going to the beach.

3 Q Where were you then, ma'am?

4 A In my bedroom on the bed.

5 Q Go ahead.

6 A And I finally got her and I talked to her for about
7 I guess thirty-five or forty minutes. Her mother had died
8 and I hadn't seen her since she got back to town. And
9 then I tried to make several more telephone calls trying
10 to locate the two girls who were going with me to the
11 beach, and I did some sewing. I went in the den and
12 mended a bathing suit that I was going to take to the
13 beach.

14 Q You did that in the den?

15 A Right. And I packed my clothes. I had my bed just
16 filled with my bag of clothes and a great big tote bag
17 on the floor that had my beach clothes, towels and things
18 like that in it, and then about 9:30, I remembered knowing
19 the time because my clock is across my bed on a little....
20 under a night table on a little shelf, and I went in the
21 kitchen and thought I'd better get me something to eat,
22 and get the rest of my food ready for the beach, and I was
23 in there I guess maybe ten minutes and when I came out....

24 Q You were in the kitchen about ten minutes?

25 A Probably.

1 Q What did you fix yourself to eat?

2 A I had a hamburger and broccoli and a hamburger bun.

3 Q You had been in the den sewing and reading? Is that
4 right?

5 A Yes.

6 Q Describe the lighting in the den.

7 A Well, I have a floor lamp, two floor lamps, one floor
8 lamp that I was using across the room, and I also have a
9 desk lamp, and then I have bridge lamps that I use at my
10 game table.

11 COURT: Now, this is in the den?

12
13 A This is in the den.

14 Q Floor lamps?

15 A Yes.

16 Q Was it on?

17 A Yes, my floor lamp was on.

18 Q And what other lamp?

19 A Nothing.

20 Q Is this the only lamp that was on, the floor lamp?

21 A Right. Right.

22 RONALD BOWERS:

23
24 Q Was your television on?

25 A My television was on. My light....

1 Q Did that provide illumination in the room?

2 A Yes.

3 Q Will you describe...you say your bedroom, you made
4 several telephone calls in your bedroom?

5 A Right.

6 Q Describe the lighting in your bedroom.

7 A I have a lamp above my bed, a reading lamp.

8 Q Was that on?

9 A Yes.

10 Q Did that fully illuminate the room?

11 A Definitely.

12 Q Where was...you say the telephone was where now?

13 A On the bed.

14 Q And where in relation to that lamp was the telephone?

15 A About this far. The pillow was here (indicating).

16 Q You're showing the positions there to be about three
17 feet, is that right?

18 A Right.

19 Q You indicated that there was a hallway that ran
20 between your kitchen and the den, is that right?

21 A Right.

22 Q Was there a light in that hallway, ma'am?

23 A Yes.

24 Q What sort of light?

25 A Desk light. A table lamp.

1 Q And did that light illuminate the hallway?

2 A Yes.

3

4

COURT: Was it on?

5

A Yes.

6

7

RONALD BOWERS:

8

Q Where in relation to that table lamp in the hallway
9 was the base of the staircase?

9

10

A It was about as far as, you know, I.....that chair
11 right there, that first chair.

11

12

Q At the jury box?

13

A Right.

14

Q That would be a distance of about eight or nine feet?

15

A Probably.

16

Q Once you'd fixed your hamburger, describe what you
17 did then.

17

18

A Well, I came out of the kitchen and I thought, well,
19 I'll go in there and clean up after I finish eating, and
20 I come on back through the hall, and as I entered my den
21 door, I took about two or three steps and something just
22 fell on me. I thought that my bookcase had fallen on me
23 that was on the wall, and I was....I had no idea what it
24 was, and then all of a sudden, this arm grabbed me. He
25 hit me so hard that I really didn't know what it was. I

25

1 looked down and I saw this arm around me that had a black
2 glove on and a black jacket type, and I screamed and
3 hollered and I said, you know, what do you want? And he
4 pushed me up against the game table and then he threw me
5 down on the floor, and I was screaming and hollering and
6 he said that if I didn't stop my screaming and hollering
7 he'd cut my throat, and he had already put the knife at
8 my throat before he threw me down, and he got across my
9 feet, and I guess to keep me from kicking and hurting him,
10 I don't know. Anyway, I said what do you want? I was so
11 frightened I couldn't stand it. He said I want all your
12 money and I said I don't have much money in the house, but
13 I said you can have all that I have, and if you want more,
14 I'll get you all that you want. I said my money is in my
15 pocketbook on my bed, and so with that he kept saying,
16 you know, don't stop....don't scream, don't holler, don't..
17 if you do I'll cut your throat, or don't look at my face,
18 and he kept saying don't look at my face, and so I....

19 Q Did you look at his face?

20 A Yes, I looked at his face. I couldn't help but see
21 his face.

22 Q Where were you then?

23 A On the floor in the den.

24 Q Were you on your stomach, or on your back?

25 A On my back.

1 Q Where was his face in relation to you?

2 A He was across my legs and looking at me and there was
3 no way not to see him.

4 Q Describe the man.

5 A Describe him?

6 Q Yes.

7 A He had a little tiny mustache, looked like a pencil
8 mark. He had an unshaven beard. It was sort of a....

9
10 COURT: If you will go a little slower
11 for me, if you will.

12 A I'm sorry.

13 Q I know it's hard for you to testify. He had a tiny
14 mustache?

15 A Just a little streak of something across his upper
16 lip.

17 Q Alright.

18 Ahe had a beard that was sort of spotted like,
19 and he had a toboggan on that was pulled down over his
20 ears.

21 RONALD BOWERS:

22 Q Did the toboggan in any way obscure the face of that
23 man?

24 A No.
25

1 Q Was that a white man or a black man?

2 A Black man.

3 Q Describe his complexion as best you can.

4 A Yellow looking.

5 Q As opposed to what?

6 A As opposed to a black man.

7 Q Do you mean by that he was some other race than a
8 black person, or that his skin was not totally black?

9 A Just not totally black. Not like, you know, a real
10 blue black, black man, you know. (laughter).

11 JUDGE: I just want to say, Sheriff....

12
13 MRS. BOST: I'm trying to explain....

14 JUDGE: Any outbursts over here, I'll send
15 whoever it is out of this courtroom just
16 that fast. We're not going to tolerate it.
17 You're a guest of this Court and you're
18 welcome here so long as you behave yourself
19 in a proper manner.
20

21 Q You described some sort of a jacket. Would you tell
22 the Court what sort of jacket were you talking about?

23 A It was a black leather jacket. Slick and cool to the
24 touch. It was not swede or cotton or anything like that.
25 It was a leather type.

1 Q And where were you in relation to that television set
2 that you had on?

3 A Let's see. As close as this young lady is.

4 Q As close as you are to the court reporter?

5 A Right.

6 Q And would that be a distance of six or eight feet?

7 A Probably.

8 Q Was the face of that man toward the television or....

9 A Yes, it was toward the television.

10 Q Was his face illuminated by the light of the
11 television?

12 A Yes, and you could see the whites of his eyes
13 underneath, you know. He was looking up, you know, and
14 it was extremely frightening.

15 Q Did you get a good, clear and accurate look at his
16 face?

17 A Oh, and he kept telling me not to look at his face.

18 Q And what was your reaction to that remark?

19 A Oh, I said I don't want to see your face. I said I
20 don't want to see your face. Everytime he told me, all
21 during the entire time he was in my house, he kept saying,
22 don't look at my face, and I didn't want to see his face.
23 I never wanted to see his face again.

24 Q Did you look at his face?

25 A Yes. How could I help but look at his face?

1 Q Did you concentrate on looking at his face?

2 A I made an effort after he....I realized that he
3 didn't want me to see his face, and I thought oh, I'll
4 never get out of here alive, but if I do, I've got to
5 identify him. I had no idea I'd ever get out alive.

6
7 MR. FULLER: OBJECTION.

8 JUDGE: OVERRULED.

9
10 Q What did you then do, ma'am?

11 A I had told him that he could have all the money that
12 I had, and so with that we scrambled up and he grabbed
13 me by my arm and took me into my bedroom where my purse
14 was, and I looked in my....he stood behind me and held
15 on to me, and then I looked through my purse and I looked
16 and I said well, I don't have any money, it's all gone,
17 and evidently he had already been in there and taken my
18 money.

19 Q Did you have money in that pocketbook earlier?

20 A Yes, I had fifteen dollars.

21 Q Did you look in the....

22 A I looked into the pocketbook and he....I know he must
23 have been mad when he first attacked me because he had
24 this attitude....

25 MR. FULLER: OBJECTION.

JUDGE: SUSTAINED.

AWell, he was mad the way he attacked me, and I looked in my pocketbook everywhere to see where my money was and I could find no money. I said, let me make one telephone call and I'll get you all the money you want, and he, of course, grabbed me and he said, no, I wasn't allowed to make a telephone call. He, you know, refused to let me make a telephone call, and with that, he pulled me very quickly up the hall, out the door and up the hall, and I said, where are you taking me?

Q Now, before you left the bedroom, you said you had conversation with him next to your bed?

A Yes.

Q Where was he in relation to you at that time?

A He was standing behind me and then he realized that light was on, on his face, so he moved to the side of me.

MR. FULLER: OBJECTION.

JUDGE: OVERRULED.

Aso he moved to the side of me, which is in the door of the bathroom, and so....

Q Were you able to see the face of that man at that location?

A Yes. Yes.

1 Q How far were you....

2 A When I....when I saw there was no money I just looked
3 up and I said I don't have any money.

4 Q What then happened?

5 A He pulled me up the hall and into a, the little stool
6 there by the table in the hall where the lamp is and
7 bruised my legs, and I said where are you taking me, where
8 are you taking me? And he said I'm going to take you
9 upstairs to perform a sexual act. And I....

10 Q Did he say perform a sexual act?

11 A No.

12 Q What then happened?

13 A And he said it, but not in those words.

14 Q Where did he take you?

15 A He took me to the foot of the steps and I refused to
16 go and....

17 Q How did you refuse?

18 A I just....I put my feet on the bottom steps and I
19 just refused and resisted all I could.

20 Q How were you dressed?

21 A I had a housecoat on and pants and pantyhose.

22 Q Go ahead.

23 A And when he realized that I was not going upstairs
24 with him, he put his hands all over me, and then he took
25 his hand and he ripped my housecoat off, and then he put

1 his mouth on me.

2 Q What portion of your body?

3 A Sir?

4 Q What portion of your body?

5 A My breasts.

6 Q Go ahead.

7 A And then he put his hands down here and he realized
8 I had on pantyhose and pants, and he said I'm going to
9 get these, you know, horrible, whatever, he cursed and
10 said I'm going to get them off of you, and so he threw
11 me down on the floor and I just knew I'd never get out
12 alive. He said he was going to make me put my mouth on
13 him. He sat down....he was on his knees and he opened
14 his pants and held my head and made me put my mouth on
15 him.

16 Q What happened then?

17 A Then he very quickly drew his feet across my head and
18 put his head down here. We fought and scuffled and he
19 said don't look at my face, don't look at my face. I'm
20 going to, you know, a horrible word.

21 Q Did he say sexual intercourse?

22 A Right.

23 Q Go ahead, ma'am.

24 A He said I got fifteen minutes to do this to you. He
25 said I've got three buddies out there waiting on me. I'm

1 going to go get them in fifteen minutes, and he....

2 Q He did then straddle your face with his feet?

3 A Yes.

4 Q Did he ever change that position?

5 A Yes.

6 Q To what other position?

7 A He just twirled around and got between my legs,
8 pulled his pants down, and said I've got fifteen minutes,
9 said I'm going to get my buddies.

10 Q Where were you in relation to that lamp in the hall-
11 way?

12 A Right in the doorway.

13 Q How far from the lamp?

14 A Just about as far as that chair.

15 Q About eight or nine feet?

16 A Right.

17 Q Was the face of that man illuminated by that light?

18 A Yes. He kept saying don't look at his face.

19 Q Did you look at his face?

20 A Yes, and I again said I don't want to see your face
21 ever again.

22 Q How far was his face from your face when you looked
23 into his face?

24 A Right at me. Just....when a man's on top of you, how
25 close is his face to you? It's just right at me.

1 Q Did you get a good, clear unobstructed view of his
2 face?

3 A Yes.

4 Q What happened then?

5 A He did what he was going to do. Just about that time
6 the telephone rang, and I said I've got to answer the
7 telephone, I said I've got to answer the telephone because
8 it's my friends calling me and they'll be here if I don't.
9 So he, just momentarily, he got up and stopped what he
10 was doing and he said you let me out the front door. Oh,
11 I've never been so glad in my life. I knew that if I ever
12 got to the front door that I would run as fast as I could
13 even if he cut my throat, or stabbed me in the back, or
14 his buddies got after me, or whatever, I was going to run
15 until I just dropped dead. So we scrambled to the front
16 door. It's a tricky door. You have to push on it and
17 unlock it, which I did, and I opened the door, and when I
18 did he pushed me back. I set down on the floor. He
19 walked out the door. I ran up....I crawled up to the door
20 and slammed it because I knew that it had a night latch
21 on it, and that he would not be able to get back into the
22 house, and I didn't know how he got in the house. I
23 just....I thought well, he'd got in some window or
24 something.

25 MR. FULLER: OBJECTION.

1 JUDGE: SUSTAINED.

2 A I meant downstairs. I thought possibly he had
3 gotten into.....
4

5 MR. FULLER: OBJECTION.

6 JUDGE: SUSTAINED.
7

8 Q Were you afraid of his re-entry?

9 A Oh, I was so afraid that he would come back.

10 Q What did you do next?

11 A I ran through the house down the hall. I unlocked the
12 back door to the back porch. I unlocked the door into the
13 yard, and I ran to my neighbor's house, and I banged on
14 the door and the two children came to the door, and they
15 started screaming. I was standing there with no clothes
16 on, and I was screaming and the mother was in the bedroom,
17 and she came out and said, you know, what in this world
18 is wrong, and I said a black man raped me, and so she took
19 me into the bathroom and tried to calm me down and.....

20 Q Later did the ambulance arrive there?

21 A She called her husband and told him to get an
22 ambulance and the police.

23 Q Mrs. Bost, did you again see that individual that
24 night?

25 A Beg your pardon?

1 Q Did you see that man who raped you again that evening?

2 A No.

3 Q Is the man who raped you here in this courtroom today?

4 A Yes.

5 Q Can you point him out?

6 A Yes.

7 MR. FULLER: OBJECTION.

8 JUDGE: OVERRULED.

9
10 Q Go ahead and point him out.

11 A In the orange shirt.

12
13 JUDGE: Let the record show that....would
14 you point to him? Let the record show that
15 she's pointed to the defendant.

16 Q Mrs. Bost, did you talk with officers later that
17 evening?

18 A Yes.

19 Q And several days thereafter did officers come to your
20 house and request you to go to any courtroom on any day?

21 A Yes.

22 Q Who were those officers that came to your home?

23 A Mr. Vogler and Mr. Taylor.

24 Q Would that be Mr. Taylor right here?

25 A Right.

1 Q When Mr. Taylor came to your house, would you describe
2 to the Court what he asked you to do?

3 A Well he said....

4 MR. FULLER: OBJECTION.

5
6 JUDGE. OVERRULED.

7
8 Q What instructions....did Mr. Taylor come to your
9 house?

10 A Yes.

11 Q And he wanted you to come to court?

12 A Right. He said we would like for you to come to
13 court, to the courtroom. He said we don't know, we have
14 reason to believe that maybe this day, or in a couple of
15 days if you would come. He implied that he would like for
16 me to come a couple of days maybe; that there might be a
17 man in the courtroom that I could identify.

18 Q As the man who raped you?

19 A As the man who raped me, and I agreed that I would
20 come, and so he said....

21 JUDGE: And when was this Mrs. Bost?

22 MRS. BOST: Beg your pardon?

23 JUDGE: When was this? Was it that day, or
24 that night?

25 MRS. BOST: A week pursuant....afterwards.

1 Like the 5th of May I think. I've forgotten what that
2 date was.

3 JUDGE: What was the day of the Sunday?

4 MRS. BOST: The 25th of April.

5 JUDGE: The 25th of April? And this was
6 about a week after that?

7 MRS. BOST: I don't know the date. It
8 could have been a couple of weeks. I was
9 in the hospital a week and I'm sure it must
10 have been.

11 Q Just describe what Mr. Taylor told you.

12 A Well, he told me that....he said we don't know what,
13 whether he'll be there. We don't know whether he'll be in
14 the audience. We don't know whether he'll be a witness in
15 a case. We don't know why he'll be there, and you might
16 have to come two days or more, and so that's the way it
17 was. And I agreed to come to court.

18 Q Had you any indication or description of the man he
19 was talking about?

20 A No.

21 Q Did he indicate the name of any man he was talking
22 about?

23 A No.

24 Q Did he tell you definitely that the man he was talking
25 about would be there on the day he asked you to come to

1 court?

2 A No. I....no, he just said....I thought it was
3 strange, but I didn't ask. He just said I....we don't
4 have anyway of knowing whether he'll be there or not.

5 Q Did he tell you?

6 A He just said, you know, that he didn't know. So I
7 assumed that I would probably have to come to the court-
8 room maybe different times.

9 Q And did you ask him if you had to come alone?

10 A I think I asked him if I could bring a friend, or they
11 asked me if I'd like to bring a friend. I agreed to
12 bring a friend, and, which was my neighbor.

13 Q Is that the same neighbor you ran to....

14 A Right.

15 Q Who was that?

16 A Mrs. Phennell.

17 Q Were you given any information about the size, race,
18 or description of the person, or sex of the person they
19 had in mind?

20 A No. No. Nothing like that was mentioned.

21 Q Were you hesitant in any way to go to court, ma'am?

22 A Yes, I was. I was afraid that he might see me if it
23 happened to be the one that raped me, and I was so afraid.
24 I don't know why I thought he might harm me, or something,
25 and I agreed to come with glasses on and a wig. I

1 borrowed a wig so that I wouldn't be recognized.

2 Q Was that wig your idea, ma'am?

3 A Yes.

4 Q And, did you, in fact, go to court on the 10th day of
5 May, 1976?

6 A Yes.

7 Q How were you dressed when you went there?

8 A I had this navy blue suit on.

9 Q The same one you're wearing now?

10 A Yes.

11 Q And you mentioned a wig.

12 A I had a red wig on.

13 Q Were you wearing anything else?

14 A I had on a white shirt.

15 Q And did you wear glasses of any sort?

16 A Yes, I wore glasses.

17 Q What sort of glasses?

18 A Clear lens glasses that I drive in.

19 Q Clear lens? Not dark glasses?

20 A Right. No, I didn't wear my sun glasses.

21 Q And when you arrived at the courthouse, was that here
22 in this county?

23 A Yes.

24 Q You arrived at the courthouse with officers?

25 A Yes.

1 Q What officers?

2 A I believe it was Mr....I think....Mr. Vogler and Mr.
3 Taylor.

4 Q These gentlemen seated beside me?

5 A Yes.

6 Q Before you went into the courtroom, were you given
7 any instructions, ma'am?

8 A Well, they told me where I would come in, right there
9 at that door, and....

10

COURT:

11

Q Was it in this courtroom?

12

A In this courtroom.

13

Q You came in through which door?

14

A That door.

15

Q The back door?

16

A Yes.

17

18

RONALD BOWERS:

19

20 Q Is it this courtroom, or some other courtroom in this
21 building?

22

23 A I don't know whether or not there's another courtroom
24 in this building.

25

Q Was it on this floor, so far as you know?

24

25 A I think so.

1 Q Do you know what courtroom it was?

2 A No.

3 Q How did you get to the courtroom?

4 A I know that the Judge was sitting in the middle that
5 day. I don't know whether you turn this courtroom around
6 or not at all.

7 A You mean the Judge's position in relation to the
8 witness was different than this Judge's position?

9 A Right. Right. It was in the middle of the courtroom.

10 Q So, apparently it was some other courtroom than this
11 one?

12 A Possibly.

13 COURT: Possibly. This courtroom here in
14 this courthouse?

15 MRS. BOST: Yes.

16
17 RONALD BOWERS:

18 Q You say you came in the main door from the rear of
19 the courtroom?

20 A Right.

21 Q Where did you sit in the courtroom?

22 A I sat on that side.

23 Q The left side.

24 A Right.

25 Q Were you given any instructions by the officers before

1 you went into the courtroom, ma'am?

2 A They told me to sit on that side. I don't think I
3 sat in the right seat they said, but I just was nervous
4 and scared to death, so I just sat, you know....

5 Q Did you sit in the end seat or some other seat?

6 A I sat not on the end seat in my....my friend sat
7 beside of me.

8 Q How many seats over from the aisle?

9 A I think I must have been in the second, or third seat.

10 Q In the instructions officers Taylor and Vogler gave
11 you before you went in the courthouse, did they indicate
12 that any person would be in that courtroom that day?

13 A No.

14 Q What instructions did they give you before you went
15 into the courtroom?

16 A They just told me to sit there and to look around and
17 see if I saw anybody that I knew, or the man that raped
18 me, and I did that. Before I came down to be seated, I
19 looked, you know, around to see if I could see any black
20 person, and I saw a few.

21 Q Approximately how many people were in the courtroom
22 that day?

23 A Thirty-five, maybe forty-five, or fifty.

24 Q Do you know how many of those were black people and
25 how many white?

1 A No, but there were blacks in there, like maybe, a
2 dozen.

3 Q And did either of the officers point any person out in
4 that courtroom before you went in?

5 A No.

6 Q Did they tell you to look in any particular location?

7 A No.

8 Q Did they tell you that any person would be in any
9 location later?

10 A No.

11 Q Did they tell you that any person would definitely
12 be there?

13 A No. I was perfectly....had plans for several days
14 just to go to the courthouse because I didn't know.

15 Q What happened once you got into the courtroom?

16 A Well, they had several calls, several cases on....a
17 white man beat his daughter, I think, and then there was
18 a black man who came in that door who had been from a
19 hospital, and he was brought into the courtroom for some
20 reason, I don't know why. Then the Judge was passing out
21 papers, or asking people who didn't have a lawyer, or
22 something, to come up, and there was a stand over there, and
23 they went up and were in line and picked up some papers,
24 and....

25 Q How many people came up front?

1 A Maybe six or eight.

2 Q Did you notice whether they were black or white?

3 A Maybe two of them were black, and then there were a
4 couple of other cases that I just didn't pay any attention
5 to. They were whites and they were....there was a young
6 man sitting at a table right there that was reading out
7 a lot of information about certain court procedure, or
8 something I didn't know anything about, and I was
9 constantly just looking and....

10 Q What happened then?

11 A The Judge asked for Ronnie Wallace Long to come before
12 the....come up. I don't know how, where it was, you know.

13 Q Did that name mean anything to you at that time?

14 A No.

15 Q Had any person ever mentioned that name to you?

16 A No.

17 Q Did that name, Ronnie Long, mean anything more to you
18 than any other name you'd heard that day?

19 A No.

20 Q How many different names had been called that day?

21 A Oh, I don't know. There must have been twenty-five
22 or thirty possibly.

23 Q So, when you heard that name, it meant nothing to you?

24 A No.

25 Q What did you see?

1 A He got up and came down that aisle right there. He
2 and his father, and they stood for a while like that
3 and they stood and faced the Judge, and his father was
4 on his left and....

5 Q Did you recognize that man?

6 A Yes.

7 Q When did you first recognize him?

8 A As he was walking up toward the Judge. I told my
9 neighbor, I said, that's the one.

10 Q You told Mrs. Phennell at the time?

11 A Yes.

12 Q When did you tell her that?

13 A When he got up and started walking up to the desk.

14 Q Did you, at that time, know where officers Vogler and
15 Taylor were in the courtroom?

16 A Yes. I had seen them. They had been sitting in an
17 area over....right there, up in the, wherever, in the
18 other courtroom.

19 Q In the jury box in the other courtroom?

20 A Right.

21 Q And did either of them make any motion, or indication
22 to you at any time?

23 A No.

24 Q Did any officer, or any person whatsoever make any
25 motion, or indication to you whatsoever?

1 A No, I really didn't look at them, you know, until
2 after I realized that I had recognized him.

3 Q What did you do then, ma'am?

4 A Well, I had been sitting like this.

5 Q You indicate your lapel across your face?

6 A Right, and so when I saw him, I just looked over here
7 at Mr. Vogler like that, and Mr. Taylor.

8 Q You raised your finger and pointed?

9 A Right.

10 Q What then happened?

11 A We just sat there until the Judge had finished with
12 him, and told him, I won't go into that, but anyway,
13 finished with him, and then the Judge dismissed them and
14 they came along this way and walked right by me.

15 Q When you say right by you, how close to you did that
16 man come to you?

17 A This close.

18 Q As from you to the court reporter?

19 A Right.

20 Q And who was that man that walked by you, ma'am?

21 A Ronnie Long.

22 Q Is that the same man who raped you?

23 A Yes.

24 Q What did you do then?

25 A I sat there and just waited. I just....I didn't know,

1 you know, whether to get up and leave. I think they told
2 me just to, if I happened to identify him, to just sit.
3 They would take care of me. They would come and get me,
4 and I just sat there scared to death.

5 Q How was Mr. Long dressed that day in court?

6 A He had on light, sort of a brown jacket and light
7 colored pants.

8 Q Did you recognize any of the clothing as ever having
9 seen them before?

10 A No, I'd never seen....No, I'd never seen those clothes
11 before.

12 Q On that day, did Mr. Long have any facial hair?

13 A Yes.

14 Q What sort of facial hair?

15 A The same he had when he raped me.

16 Q That being what ma'am?

17 A A little tiny mustache and sort of a spotted, unshaven
18 beard.

19 Q Once Mr. Long had left the courtroom, did any person
20 come to where you were?

21 A Yes, Mr. Vogler and Mr. Taylor came by and motioned to
22 me, and we went out into the hall area.

23 Q When you got into the hallway there, was Mr. Long still
24 there?

25 A No.

1 Q What did you do then, ma'am?

2 A Well, then we went to the police station.

3 Q And when you arrived at the police station, where did
4 you go in the police station?

5 A We went into an office.

6 Q Before you left the courthouse, did you have any
7 conversation with the officers?

8 A Yes, they asked me if I thought that was....for sure,
9 are you sure?

10 Q What did you say?

11 A And I said yes.

12 Q Did you have any doubt in your mind?

13 A I said there is no doubt in my mind. Absolutely no
14 doubt.

15 Q So, you then went to the police station?

16 A Right.

17 Q What happened at the police station?

18 A Well, they showed me some pictures.

19 Q Go ahead, ma'am.

20 A They showed me a....six or eight pictures, and they
21 said can you identify this man that raped you? And I said,
22 looking through the pictures, I'd picked him out.

23 Q When they said can you identify this man, did they
24 show you a particular photograph?

25 A Oh, no. Oh, no.

1 Q What did they do?

2 A They just handed me pictures.

3 Q You say you saw how many pictures?

4 A Maybe six.

5 Q And was there any writing on the front of any of
6 those pictures at the time you saw them?

7 A No.

8 Q Did you look at the back of those pictures?

9 A No.

10 Q And you were given pictures and you looked at the
11 front of them, is that right?

12 A Right.

13 Q Were those pictures of men or women?

14 A Men. One looked like it might have been a woman. It
15 seemed to me like it was a hairdo that maybe was.

16 Q You could not tell?

17 A I don't think so. I'm not sure.

18 Q And were those persons depicted in those photographs
19 black or white?

20 A They were black.

21 Q All of them?

22 A Yes.

23 Q Was there anything distinctive about the dress of any
24 of those individuals depicted in those photographs that
25 drew your attention to them?

1 A Yes.

2 Q What was that?

3 A It was the jacket.

4 Q And did you recognize the jacket?

5 A It was....if it wasn't the jacket, it was the identical,
6 one identical to it. It was a leather jacket.

7 Q Did you look at the faces of those individuals?

8 A Definitely.

9 Q And did you recognize the face of any of those
10 individuals?

11 A Yes.

12 Q Which individual did you recognize, ma'am?

13 A Ronnie Long.

14 Q Did you recognize him by his jacket, or by his face?

15 A By his face.

16 Q If another individual had been wearing that same
17 jacket, would it have made any difference to you?

18 A I don't think so.

19

MR. FULLER: OBJECTION.

20

21

JUDGE: SUSTAINED.

22

23 Q Mrs. Bost, was that the first group of photographs
24 you had been shown?

25

A No.

1 Q When had you been shown photographs prior to that?

2 A In the hospital.

3 Q When?

4 A In the hospital.

5 Q When?

6 A Oh, the next day.

7 Q After the rape occurred?

8 A Right.

9 Q How many photographs were you shown in the hospital?

10 A A half a dozen maybe. Maybe a dozen.

11 Q And were you able to identify any of the photographs
12 you were shown in the hospital?

13 A No.

14 Q But you were shown a group of photographs and your
15 response was none of these?

16 A That's right.

17 MR. FULLER: OBJECTION TO LEADING.

18

19 JUDGE: Don't lead her.

20

21 MR. BOWERS: Yes, Your Honor.

22

23 Q The photographs that you were shown in the hospital
24 were they in color or in black and white?

25 A Black and white.

Q And the photographs you were shown at the police

1 station on the tenth of May, were they in color or in
2 black and white?

3 A Black and white.

4 Q I hand you a manilla envelope containing several
5 photographs, identified as State's Exhibit No. One in
6 this matter.

7
8 JUDGE: State's voir dire....

9 MR. BOWERS: State's voir dire Exhibit
10 No. One, Yes, Your Honor.

11
12 Qand ask if those photographs appear similar to
13 those photographs that you were shown in the hospital, or
14 are they different from those in the hospital?

15 A Yes, they are the ones I saw in the hospital.

16 Q And, at the time you were shown those photographs....
17 Would you count these photographs, ma'am?

18 A There are ten.

19 Q At the time you viewed those photographs in the
20 hospital, you said that you were not able to identify
21 any of the individuals there depicted?

22 A Uh-hum.

23 Q Are those photographs of men or women, ma'am? Could
24 you tell?

25 A Men.

1 Q And are they black persons, or white persons?

2 A They're black.

3 Q I hand you now a second envelope identified as State's
4 voir dire Exhibit No. Two, and ask if you can identify
5 that, ma'am? If you would just look at them. Do these
6 appear similar to the photographs shown to you on the
7 tenth of May in the police station, or different from
8 those photographs?

9 A They are, they're the ones, yes.

10 Q At the time you first saw those photographs, was there
11 any marking on the face of any of those photographs?

12 A I don't know.

13 Q Do you remember any marking being on there?

14 A I don't remember any markings, no.

15 Q Is there a marking on any of them now?

16 A Yes.

17 Q Which one is that?

18 A Well, all of them except I think this....

19 Q In the police station, were you able to identify....

20 A Are you talking about the identification down here?

21 Q No, any markings put there by pen, or ink, or anything
22 like that?

23 A Oh, I thought you meant any, you know, I don't know.

24 Q Now, you thought I meant some writing put on the
25 photograph?

1 A Right. What....

2 Q Well, was there any writing put there by pen, or ink,
3 prior to your seeing them at the police station?

4 A No, no.

5 Q Is there any pen, or ink writing on the face of any
6 of the photographs now?

7 A Right.

8 Q You say that was not there when you first saw them?

9 A No.

10 Q When you were shown those photographs, identified as
11 State's voir dire Exhibit Two, how were you given those
12 photographs, in what manner?

13 A I was just asked if I'd look through those and see
14 if I recognized any face.

15 Q And was, were you able to identify any individual?

16 A Yes, yes, immediately.

17 Q Was that the photograph of Ronnie Wallace Long? Is
18 there writing now on the face of that?

19 A Yes.

20 Q Would you read that writing to the Court?

21 A It says May ten, and then it has DD or DT.

22 Q Mrs. Bost, a moment ago you indicated that the man
23 that raped you was the defendant, Mr. Ronnie Wallace Long.
24 Was that identification based on seeing him in your home,
25 seeing him in the courtroom, seeing his photograph, or

1 on something else?

2 A Seeing him in my home. I'll never forget it as long
3 as I live.

4 Q Is there any doubt in your mind whatsoever?

5 A None whatsoever.

6 CROSS EXAMINATION BY MR. ATKINS:
7

8 Q Mrs. Eost, when you were in your home on Union Street,
9 I believe you testified that at approximately nine-thirty,
10 you prepared yourself something to eat in the kitchen. Is
11 that the correct time?

12 A I had it practically prepared before I had thawed it,
13 and I was going back to put it on my plate.

14 Q Alright, you said that you looked at your clock and
15 it was nine-thirty.

16 A Uh-hum.

17 Q Now, when you went into the kitchen, how long were you
18 in the kitchen?

19 A Oh, probably five or ten minutes.

20 Q Did you eat in the kitchen, or did you have the food
21 with you when you came out?

22 A I had my plate in my hand when I came out.

23 Q So, it was about nine-thirty five when you say you
24 first felt something that you thought might have been your
25 bookcase?